

MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

March 10, 2010

The Honorable Maggie L. McIntosh, Chairman
Environmental Matters Committee
House Office Building, Room 251
6 Bladen Street
Annapolis, MD 21401-1991

Re: House Bill 351 – Chesapeake Bay Restoration Consumer Retail Choice Act of 2010

Dear Chairman McIntosh:

The Maryland Department of the Environment (MDE or “the Department”) has reviewed House Bill 351, entitled *Chesapeake Bay Restoration Consumer Retail Choice Act of 2010*, and we would like to express our support for the overall objectives of recycling and waste reduction while opposing the bill due to the resource burden it poses on MDE.

This proposed legislation would create a new program in the Department of Labor, Licensing, and Regulation (DLLR) to require that retail stores charge customers at least 5 cents for each disposable carryout bag the stores provide and allow a credit of at least 5 cents per bag to customers who provide their own bags at retail stores that have a “Customer Bag Credit Program.” Stores would retain 1 cent from each 5 cent fee the store collects on disposable carryout bags it provides or 2 cents from each 5 cent fee the store collects from a customer who receives a disposable shopping bag, if the store has a “Customer Bag Credit Program.” Monies not retained by the stores would be deposited in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund under the Natural Resources Article. DLLR would be required to adopt regulations to implement and enforce the law and would have penalty authority for stores that violate the law’s provisions. The bill would require the Maryland Department of Natural Resources (DNR) to redirect \$250,000 in each of FY 2012 and FY 2013 from the fees remitted by store owners to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to DLLR to implement the requirements of the legislation.

The bill would also require that, on or before January 1, 2011, MDE must conduct two public information campaigns. One campaign would educate the public on the importance of reducing the number of disposable carryout bags entering the waste stream and the impact disposable carryout bags have on the Chesapeake Bay tributaries and environmental health. A second campaign would be required to involve a private-public partnership to provide reusable carryout bags to citizens of the State, and working with

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service providers that assist seniors and low-income residents, to distribute information and reusable carryout bags to low-income households.

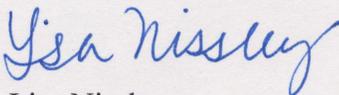
House Bill 351 would require that in FY 2012, the Maryland Department of Natural Resources (DNR) redirect \$500,000 from the fees remitted by store owners to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to MDE to implement the public information and public outreach campaigns. The MDE outreach campaigns must be completed by January 1, 2011, six months prior to the funding being made available and at the same time that the law would take effect. MDE has no funding to cover the more than \$560,000 that would be needed to implement minimal outreach campaigns statewide prior to the funding from DNR is received. In addition, MDE opposes the dilution of the uses of and funding for the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, created in 2007 to provide a dedicated source of funding to accelerate Bay restoration by focusing financial resources on the most effective nonpoint source pollution control projects, including a variety of practices that help reduce nutrients and sediment in the Bay and its tributaries.

The Department acknowledges that there is a trend toward increased recycling of plastic bags and that the District of Columbia is in the process of implementing their new "Skip the Bag, Save the River" law to reduce litter and increase the use of reusable shopping bags. The Department is supportive of these types of activities that would result in reduced disposal and littering, increased recycling of plastic and paper shopping bags, and greater usage of reusable shopping bags. Waste diversion and recycling saves energy, reduces greenhouse gasses and other pollutants generated in the manufacturing process and at landfills, saves natural resources, and reduces the amount of waste disposed.

MDE has determined that the Anacostia River watershed and portions of Baltimore Harbor are actually impaired (i.e., not attaining water quality standards) because of trash. In preparing the pollution plan for the Anacostia, we have noted that plastic bags constitute a significant portion of the trash, and that plastic bags are very persistent in the environment. Paper bags are rarely found because they fall apart and decay quickly. The problem of trash in our streams is an important concern, and an unnecessary source of pollution, because it can be resolved by personal responsibility. Thus MDE remains very supportive of the intent of this bill, but must oppose based on the lack of timely resources to implement it.

Thank you for your consideration. We will continue to monitor House Bill 351 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at lnissley@mde.state.md.us if I can be of assistance.

Sincerely,



Lisa Nissley

cc: The Honorable Alfred C. Carr, Jr.